

Jared Richards, Esq.
Nevada Bar No. 11254
Dustin E. Birch, Esq.
Nevada Bar No. 10517
CLEAR COUNSEL LAW GROUP
1671 W. Horizon Ridge Pkwy, Suite 200
Henderson, Nevada 89102
Telephone No.: (702) 476-5900
Facsimile No.: (702) 924-0709
jared@clearcounsel.com
dustin@clearcounsel.com
Attorneys for Plaintiff
Heriberto Plaza, Jr.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

HERIBERTO PLAZA, JR., an individual,

Plaintiff,

v.

GEICO DIRECT; GEICO GENERAL
INSURANCE COMPANY; DOES I through V;
and ROE CORPORATIONS I through V,

Defendants.

Case No.: 2:19-cv-01954-JCM-NJK

**PROPOSED JOINT DISCOVERY
PLAN AND SCHEDULING ORDER**

Pursuant to Local Rule 26-1(e), the parties submit their proposed Discovery Plan and Scheduling Order. Deadlines that fall on a Saturday, Sunday, or legal holiday have been scheduled for the next judicial day.

1. **Meeting**: Pursuant to FRCP Rule 26(f), a meeting was held on February 12, 2020, and was attended telephonically by Dustin E. Birch, Esq. of Clear Counsel Law Group for Plaintiff Heriberto Plaza, Jr., and Jonathan W. Carlson, Esq. of McCormick, Barstow, Sheppard, Wayte & Carruth, LLP, for Defendant Geico General Insurance Company.

2. **Pre-Discovery Disclosures**: Pursuant to FRCP Rule 26(a)(1), the parties will make their pre-discovery disclosures, including but not limited to any Computation(s) of Damages required pursuant to FRCP 26(a)(i)(A)(iii), on or before February 26, 2020.

3. **Areas of Discovery**: The parties agree that the areas of discovery should include, but not be limited to: all claims and defenses allowed pursuant to the Federal Rules of Civil Procedure.

4. **Discovery Plan**: The parties propose the following discovery plan:

A. **Discovery Cut-off Date(s)**: Discovery will cutoff 180 days from the date of the first appearance of any defendant, which is November 14, 2019, such that discovery closes on May 12, 2020.

B. **Amending the Pleadings and Adding Parties**:

The parties shall have until February 12, 2020, to file any motions to amend the pleadings to add parties. This is 90 days before the discovery cut-off date.

C. **FRCP 26(a)(2) Disclosure of Experts**:

Disclosure of experts shall proceed according to FRCP Rule 26(a)(2) and LR 26-1(e)(3) as follows: the disclosure of experts and their reports shall occur on or before March 13, 2020, 2020. The disclosure of rebuttal experts and their reports shall occur on or before April 13, 2020. The initial expert disclosure deadline is 60 days before the discovery cut-off date and the rebuttal expert disclosure deadline is 30 days after the initial expert disclosure deadline.

D. **Interim Status Report**:

The parties shall file the interim status report by March 13, 2020, 60 days before the discovery cut-off date, as required by LR 26-3.

E. **Dispositive Motions**:

The parties shall have until June 11, 2020, to file dispositive motions. This is 30 days after the discovery cut-off date, as required by LR 26-1(e)(4).

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1 F. **Pre-Trial Order:**

2 The parties will prepare a Consolidated Pre-Trial Order on or before July 13, 2020, which
3 is not more than 30 days after the date set for filing dispositive motions in the case, as required
4 by LR 26-1(e)(5). This deadline will be suspended if dispositive motions are timely filed until 30
5 days after the decision of the dispositive motions or until further order of the Court. The
6 disclosure required by FRCP Rule 26(a)(3), and objections thereto, shall be included in the pre-
7 trial order.
8

9 G. **Court Conferences:** If the Court has questions regarding the dates
10 proposed by the parties, the parties request a conference with the Court before entry of the
11 Scheduling Order. If the Court does not have questions, the parties do not request a conference
12 with the Court.
13

14 H. **Extensions or Modifications of the Discovery Plan and Scheduling**
15 **Order:** LR 26-4 governs modifications or extensions of this Discovery Plan and Scheduling
16 Order. Any stipulation or motion to extend a deadline set forth in the discovery plan and
17 scheduling order must be made not later than 21 days before the subject deadline. Any stipulation
18 or motion to extend the discovery cut-off period must be made no later than April 21, 2020, 21
19 days before the discovery cut-off date.
20

21 I. **Format of Discovery:** Pursuant to the electronic discovery amendments
22 to the Federal Rules of Civil Procedure effective December 1, 2006, the parties addressed the e-
23 discovery issues pertaining to the format of discovery at the Rule 26(f) conference. The parties
24 do not anticipate discovery of native files or metadata at this time, but each party reserves the
25 right to make a showing for the need of such electronic data as discovery progresses.

26 J. **Alternative Dispute Resolution:** The parties certify that they have met
27 and conferred about the possibility of using alternative dispute-resolution processes including
28 mediation, arbitration, and if applicable, early neutral evaluation.

K. **Alternative Forms of Case Disposition:** The parties certify that they considered consent to trial by a magistrate judge under 28 U.S.C. section 636(c) and Fed. R. Civ. P. 73 and the use of the Short Trial Program (General Order 2013-01), however, the parties have decided against such use and require a traditional jury trial.

L. **Electronic Evidence:** The parties certify that they discussed whether they intend to present evidence in electronic format to jurors for the purposes of jury deliberations. The parties have not reached any stipulations in this regard at this time.

DATED this 18th day of March 2020.

CLEAR COUNSEL LAW GROUP

MCCORMICK, BARSTOW, SHEPPARD,
WAYTE & CARRUTH, LLP

/s/ Dustin E. Birch

Jared R. Richards, Esq.
Nevada Bar No. 11254
Dustin E. Birch, Esq.
Nevada Bar No. 10517
1671 W. Horizon Ridge Pkwy, Suite 200
Henderson, NV 89012
jared@clearcounsel.com
dustin@clearcounsel.com
Attorneys for Plaintiff
Heriberto Plaza, Jr.

/s/ Jonathan W. Carlson

Wade M. Hansard, Esq.
Nevada Bar. No. 8104
Jonathan W. Carlson, Esq.
Nevada Bar No. 10536
Renee M. Maxfield, Esq.
Nevada Bar No. 12814
8337 West Sunset Road, Suite 350
Las Vegas, NV 89113
Wade.hansard@mccormickbarstow.com
Jonathan.carlson@mccormickbarstow.com
Renee.maxfield@mccormickbarstow.com
Attorneys for Defendant Geico General
Insurance Company

IT IS SO ORDERED:


UNITED STATES MAGISTRATE JUDGE

DATED: March 19, 2020